



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$367.00, and for an order for the respondent to bear the \$50.00 cost of the filing fee paid for this dispute resolution hearing.

Background and Evidence

The applicant testified that:

- The landlord requested he vacate the residence within five days and agreed to return the remainder of his rent.
- He complied with the request and the landlord gave him a cheque for \$367.00, for the remainder of the rent for the rest of the month.
- The landlord subsequently cancelled the cheque.

The applicant is therefore requesting an order as follows:

Return of rent	\$367.00
Total	\$417.00

The respondent's daughter/agent testified that:

- The landlord did request that the tenant vacate the unit on short notice and she did agree to return the remainder of the rent for the month.
- The landlord did he give a cheque to the tenant for \$367.00.
- The landlord subsequently cancelled that cheque because she had told the tenant he did not need to vacate right away.

The landlord is therefore requesting that this application be denied, because it was the tenant's choice to move when he did.

Analysis

It is my decision that I'm finding in favour of the tenant. It is my finding that the tenant vacated the rental unit at the request of the landlord with the agreement that she would return \$367.00 to him.

Although the landlord claims that the tenant did not need to vacate when he did it's obvious that they did come to an agreement for him to move early and for the rent to be returned otherwise she would not have initially issued the cheque to him.

I allow the full amount claimed by the tenant.

Conclusion



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I've issued an order for the respondent to pay \$417.00 to the applicant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 20, 2009.

Dispute Resolution Officer